

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

JUDY HAWKS,  
405 Highland Ave.  
Caruthersville, MO 63830

Plaintiff,

VS.

NCO FINANCIAL SYSTEMS, INC.,  
507 Prudential Road  
Horsham, PA 19044

Defendant.

Case No.  
Division No.

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

JUDY HAWKS (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against the NCO FINANCIAL SYSTEMS, INC. (Defendant):

# INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

### **PARTIES**

5. Plaintiff is a natural person who resides in Caruthersville, Pemiscot County, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. According to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with an office in Horsham, Pennsylvania.
9. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

11. In or around September of 2010, Defendant began placing collection calls to Plaintiff in an attempt to collect an alleged personal debt.
12. Defendant places collection calls to Plaintiff two to three times per day, almost every day.
13. Plaintiff is on disability and therefore is frequently home when Defendant's calls occur.

14. Plaintiff is physically disabled, and at times it is difficult to get to the telephone as it rings.
15. Plaintiff does not have caller ID on her phone, and tries to answer the phone every time it rings, not knowing whether the call may be urgent.
16. Plaintiff answers Defendant's phone calls approximately two (2) times per day, but upon answering, a recording plays, identifying the call as from Defendant, but Plaintiff is unable to speak with a live person.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
  - b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, JUDY HAWKS, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC. for the following:

18. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:/s/ Adam C. Maxwell  
[ ] Adam C. Maxwell  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JUDY HAWKS, hereby demands trial by jury  
in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MISSOURI)

Plaintiff, JUDY HAWKS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JUDY HAWKS hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-16-11

Date

Judy Hawks  
JUDY HAWKS